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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by the National Congress of American Indians, Native American Rights Fund, non-governmental organizations in special consultative status, Indian Law Resource Centre, a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Combating Violence against Indigenous Women*

Violence against women is widespread,[1] and international and regional bodies and experts recognize violence against women as both a human rights violation and a form of discrimination.[2] Many universal and regional human rights treaties set out rights critical to the protection of women from violence, including rights to life, liberty, and security of the person; to be free from torture and from cruel, inhumane, or degrading treatment or punishment; to be free from slavery and servitude; and to equal protection of the law.[3] Despite these protections, the UN High Commissioner for Human Rights stated that "violence against women is one of the most pervasive violations of human rights."[4] International experts have stated that "[v]iolence against women is a human rights violation that precludes the realization of all other human rights"[5] and called on UN member states to strengthen their legal frameworks on the rights of women and, more specifically, their policies addressing violence against indigenous women and girls.[6] These experts also encourage "greater coordination among UN agencies, including with states and indigenous peoples, on the issue of violence against indigenous women and girls and the implementation of inter-agency programmes on these issues."[7]

Council Resolution 6/30 reaffirms the need to fully implement the human rights of women in all aspects of the work of the United Nations, including the treaty bodies, this Council, and its various mechanisms, and stresses the need to integrate women's human rights into all UN activities, including conferences such as the 2014 World Conference on Indigenous Peoples and their outcome documents.[8] Importantly, Council Resolutions 23/25 and 26/15 recognize the urgent need to *accelerate* efforts to eliminate all forms of violence against women.

Dedicated attention to the rights of indigenous women and girls is absolutely essential because their situation is so dire. This Council has recognized in its Resolution 26/15 that indigenous women often suffer multiple forms of discrimination, and disproportionate rates of violence and murder because of their gender, and because they are indigenous and members of indigenous peoples and communities.[9] Indigenous women and youth are particularly

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[1] *Statement by Ms. Rashida Manjoo, Special Rapporteur on Violence against women, its causes and consequences,* 59th Session, Commission on the Status of Women (March 9, 2015).

[2] United Nations Division for the Advancement of Women, *Background Paper for the Expert Group Meeting on Good Practices in Legislation on Violence Against Women*, U.N. Doc. EGM/GPLVAW/2008/BP.01 (May 2008), 3. Violence is a form of discrimination as it inhibits the ability of women to enjoy rights on a basis of equality with men. UN Permanent Forum on Indigenous Issues, *Study on the extent of violence against indigenous women and girls in terms of article 22(2) of the United Nations Declaration on the Rights of Indigenous Peoples*, E/C.19/2013/1 (Feb. 12, 2013), 2.

[3] United Nations General Assembly, Report of the Secretary General, *In-depth Study on All Forms of Violence Against Women*, U.N. Doc.A/61/122/Add.1 (2006), at ¶ 243. *See also* The Convention on the Elimination of All Forms of Discrimination against Women, the Declaration on the Elimination of Violence against Women and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women ("Convention of Belém do Pará").

[4] *Statement by the UN High Commissioner for Human Rights, Navi Pillay, on International Women's Day: Violence against women* (March 8, 2013).

[5] *Violence against women – Joint Press Release by UN and IACHR Rapporteurs*. Trinidad (28 April 2015). http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15939&LangID=E

[6] United Nations Economic and Social Council, Permanent Forum on Indigenous Issues, *Combating Violence against Indigenous Women and Girls: Article 22 of the United Nations Declaration on the Rights of Indigenous Peoples*, E/C.19/2012/6 (Feb. 2012), 13. Recently, the Special Rapporteur on violence against women emphasized the need for a more forceful, legally binding framework on violence against women. *Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo*, A/HRC/23/49 (May 2013).

[7] United Nations Economic and Social Council, Permanent Forum on Indigenous Issues, *Combating Violence against Indigenous Women and Girls: Article 22 of the United Nations Declaration on the Rights of Indigenous Peoples*, E/C.19/2012/6 (Feb. 2012), 15; see also United Nations Economic and Social Council, Permanent Forum on Indigenous Issues, *Study on the extent of violence against indigenous women and girls in terms of article 22(2) of the United Nations Declaration on the Rights of Indigenous Peoples*, E/C.19/2013/9 (Feb. 12, 2013).

[8] A/RES/69/2.

[9] United Nations Economic and Social Council, Permanent Forum on Indigenous Issues, *Study on the extent of violence against indigenous women and girls in terms of article 22(2) of the United Nations Declaration on the Rights of Indigenous Peoples*, E/C.19/2013/9 (Feb. 12, 2013).

vulnerable to human trafficking.[10] In the United States, one in three Indian and Alaska Native women will be raped in her lifetime, and six in ten will be physically assaulted, making them 2.5 times more likely to be sexually assaulted or raped than women in the United States generally. On some reservations, the murder rate for Native women is ten times the national average. The situation is even more severe for Alaska Native women in tribal villages, where "[w]omen have reported rates of domestic violence up to 10 times higher than in the rest of the United States and physical assault victimization rates up to 12 times higher."[11] Elsewhere in the world, the situation for indigenous women can be worse.

The UN Declaration on the Rights of Indigenous Peoples affirms the rights and special needs of indigenous women and children. Article 22(2) directs states, in conjunction with indigenous peoples, to take measures to protect indigenous women and children against violence and discrimination. Similar to Resolution 6/30's call to integrate a gender perspective into all UN policies and programmes, Article 22(1) urges states to pay particular attention to the rights and special needs of indigenous women, youth, and children in implementing all provisions of the UN Declaration.

The World Conference on Indigenous Peoples' outcome document furthers implementation of the UN Declaration on the Rights of Indigenous Peoples. In paragraphs 17 and 18, states commit to supporting the empowerment of indigenous women and to intensifying efforts to prevent and eliminate violence and discrimination against women by strengthening legal, policy, and institutional frameworks. In paragraphs 28, 31, and 40, states request further action by UN bodies, including consideration of an implementing body for the UN Declaration and development of a system-wide action plan by the Secretary-General to realize the ends of the UN Declaration. We recommend that both the implementing body and the system-wide action plan pay particular attention to the rights of indigenous women and children, in order to ensure their full protection from all forms of violence and discrimination. Finally, in paragraph 19, states request the Commission on the Status of Women to consider the empowerment of indigenous women and the Human Rights Council to consider examining the causes and consequences of violence against indigenous women and girls. To this end, we recommend the following:

1. The Commission on the Status of Women should designate the empowerment of indigenous women as an emerging issue for consideration at its next session in 2016; and
2. This Council should decide to:
    a. Hold a panel discussion to examine the causes and consequences of violence against indigenous women and girls during its annual discussion on the rights of women: and
    b. Request a research-based report from the Secretary-General on the issue of violence against indigenous women and girls, including recommendations to the Human Rights Council to enhance the mandates of its existing special procedures and to request regular joint reports on the issue, perhaps on a regional basis.

Any such reviews or discussions by the Council or the Commission should of course be conducted in consultation and cooperation with indigenous peoples, including indigenous women.

Violence against indigenous women and girls is a pandemic and a global outrage. These recommendations will help fight this scourge; they are consistent with Resolution 6/30 and they will further the realization of the rights of indigenous peoples affirmed in the UN Declaration. We urge the Council to not only support these recommendations, but also to accelerate actions aimed at eliminating all forms of violence and discrimination against indigenous women everywhere.

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*Alliance of Tribal Coalitions To End Violence; California Association of Tribal Governments; Central Council of Tlingit Haida Indian Tribes of Alaska; Mending the Sacred Hoop; National Indigenous Women's Resource Center;

[10] *Id.*

[11] *A Roadmap for Making Native America Safer, A Report to the President and Congress of the United States*, Chapter 2, Reforming Justice for Alaska Natives, p. 41 (November 2013).

Strong Hearted Native Women's Coalition, Inc.; Uniting Three Fires Against Violence; and WomenSpirit Coalition. NGOs without consultative status, also share the views expressed in this statement.